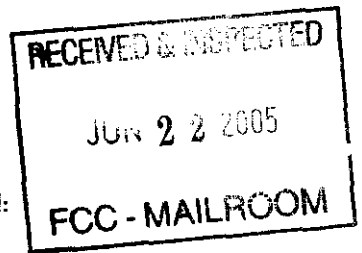


Nathaniel Hawthorne  
Law Office  
Attorney at Law/Consultant  
Admitted in Ohio, Illinois, District of Columbia  
nhawthorne@earthlink.net

www.telecomlawyer.com/ email:



**Express Mail EV 432181089 US**

27600 Chagrin Blvd., Ste 265  
Cleveland, Oh 44122  
tel: 216.514.4578  
fax: 216.514.3337

June 17, 2005

DOCKET FILE COPY ORIGINAL

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W. Suite TW-A325  
Washington, D.C. 20554

**Re: Vidalia City School District Schools, Appeal and Demand for Expedited Relief**

This is an appeal and request for expedited relief from a decision by the Schools and Libraries Division of the USAC to the Federal Communications Commission.

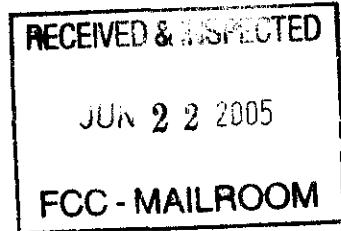
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed; please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

Sincerely,

  
Nathaniel Hawthorne

ENCLOSURE 0-4  
LHM 48008

Express Mail EV 432181089 US



**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|  |   |                       |
|--|---|-----------------------|
| In the Matter of the Appeal of the                 | ) | File No. SLD -        |
|  | ) |                       |
| Decision of the                                    | ) |                       |
|  | ) |                       |
| Universal Service Administrator by                 | ) |                       |
|  | ) |                       |
| <b><u>Vidalia City School District Schools</u></b> | ) |                       |
|  | ) |                       |
| Federal-State Joint Board on                       | ) |                       |
|  | ) | CC Docket No. 96 - 45 |
| Universal Service                                  | ) |                       |
|  | ) |                       |
| Changes to the Board of Directors of               | ) |                       |
|  | ) |                       |
| The National Exchange Carrier                      | ) | CC Docket No. 97 - 21 |
|  | ) |                       |
| Association, Inc.                                  | ) |                       |

**Appeal  
and  
Demand for Expedited Relief**

June 17, 2005

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W. Suite TW-A325  
Washington, D.C. 20554

This is an appeal and request for expedited relief from a decision by the Schools and Libraries Division of the USAC to the Federal Communications Commission.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed; please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

**(1) Funding Commitment Decision Letter Appealed**

|                                |                       |
|--------------------------------|-----------------------|
| Form 471 Application Number:   | 435053                |
| Funding Year 2004:             | 07/01/2004-06/30/2005 |
| Billed Entity Number:          | 127345                |
| Date of Funding Denial Notice: | May 24, 2005          |
| Date of Appeal:                | June 22, 2005         |

**(2) SLD Contact Information**

Sabrina Wiggs  
Technology Coordinator  
Vidalia City School District Schools

(912) 537-3088  
301 Adams Street  
Vidalia, GA 30474

**(2) Application Appealed**

Form 471 Application Number: 453053

**(3) Applicant is appealing because:**

- a) In FCC Form 471 Application Number 453053, Vidalia stated that the "% discount" was 90%. Exhibit A
- b) The SLD reduced the 90% discount to 80%. Exhibit B
- c) The SLD denied funding in, FCC Form 471 Application No 453053 FRN -1212870 Exhibit C

(4) The SLD's Adjustment to the "% discount" and Funding Denial was unreasonable

- a) Vidalia set forth its "% discount" in its FCC Form 471 Application Number: 453053 as 90%. The SLD sent a PIA requesting data as to how Vidalia calculated its "% discount". The PIA specifically related to FCC Form 471 Application Number 435029, NOT 453053.
- b) In its response to the Vidalia stated:

**"[Vidalia City Schools Letterhead]"**

September 14, 2004

Kevin Hefferan  
Schools and Libraries Division  
Phone: 973-581-6743  
Fax: 973-599-6579

Dear Mr. Hefferan:

I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 10b, of Block 4 (Worksheet A) of the Form 471.

The data you requested to verify our discounts is shown in the table below.

| <b>School Name</b>                     | <b>Students Enrollment</b> | <b>Surveys / Applications Sent out</b> | <b>Surveys / Applications Returned</b> | <b>Number of F&amp;R per Returned Surveys / Applications</b> |
|--|----------------------------|--|--|--|
| Dickerson Primary School               | 587                        | 587                                    | 331                                    | 314  |
| Sally Dailey Meadows Elementary School | 569                        | 569                                    | 364                                    | 352  |
| Trippe Middle School                   | 541                        | 541                                    | 347                                    | 331  |
| Vidalia Comprehensive High School*     | 694                        | 694                                    | 282                                    | 281  |

*\*On your letter dated 09/09/04 you stated that Vidalia Comprehensive High School was reported at 90%. This is not accurate. The school was reported at 70%, which is reflected in the table above.*

I have attached copies of surveys/applications of all of the schools above (with the identifying information removed). We keep all of our surveys/applications at the district office.

Sincerely,

Superintendent or Director of Student Nutrition"

Exhibit D

c) Vidalia based it "% discount" on Alternative Discount Mechanisms

Fact Sheet, "7. Projections based on surveys"

- d) Projections based on surveys states that " [i]f a school has a questioner to all of its families, and if it receives a return of at least 50 percent of those questioners, it may use that data to project the percentage of eligibility for e-rate purposes for all students in the school. For example, a school with 100 students sent a questionnaire to the 100 homes of those students, and 75 of those families returned the questionnaire. The school finds that the incomes of 25 of those 75 families are at or below the IEG for

NSLP. Consequently, 33 percent of the students from those families are eligible for E-rate purposes. The school may then project from that sample to conclude that 33 percent of the total enrollment, or 33 of the 100 students in the school, are eligible for E-rate purposes." Exhibit E

- e) As a result of using this SLD approved mechanism, that is conducting a "survey" Vidalia filed its FCC Form 471 Application Number 435029 at a 90% discount.
- f) The SLD unreasonably adjusted the "% discount" in FCC Form 471 Application Number 435029.

**g) More importantly, the SLD unreasonably adjusted the "% discount" in FCC Form 471 Application Number 453053.**

- h) As a result of the adjustment in FCC Form 471 Application Number 453053, Vidalia's discount went from a 90 % discount to 80%. Exhibit F

- i) This adjustment in FCC Form 471 Application Number 453053 was unreasonable since Vidalia used the SLD's Alternative No 7 to compute the 471 "% discount"
- j) The direct and unreasonable impact of this discount adjustment made technical support, FRN -1212870 unfundable. Exhibit G

**Conclusion:**

**Vidalia is Requesting the Following Action by the FCC:**

- (a) **Within 30 days or less Order the SLD to adjust Vidalia's % discount to 90% in FCC 471 Application Number 453053 with associate funding and,**
- (b) **Set aside funds to totally fund FRN -1212870**

Respectfully submitted,

  
Nathaniel Hawthorne

Ohio Bar # 0008881  
Nathaniel Hawthorne,  
Attorney/Consultant, Ltd.  
27600 Chagrin Blvd., #265  
Cleveland, OH 44122  
tel.: 216/514.4798  
nhawthorne@earthlink.net

Attorney for  
Vidalia City School District

Cc: Sabrina Wiggs

Vidalia City School District

## Exhibit A



**Schools and Libraries Universal Service Program  
Services Ordered and Certification Form 471  
Application Display**

**Block 1: Billed Entity Information**

**Applicant's Form Identifier:** VBDE071C

**471 Application Number:** 435053

**Cert. Postmark Date:** 02/04/2004

**Out of Window Letter Date:** Not applicable

**Funding Year:** 07/01/2004 - 06/30/2005

**Form Status:** CERTIFIED - In Window

**Billed Entity Number:** 127345

**RAL Date:** 03/30/2004

**Name:** VIDALIA CITY SCHOOLS

**Address:** 301 ADAMS STREET

**City:** VIDALIA **State:** GA **Zip:** 30474

**Contact Name:** SABRINA WIGGS

**Address:** 301 ADAMS STREET

**City:** VIDALIA **State:** GA **Zip:** 30474

**Type of Application:** SCHOOL DISTRICT

**Ineligible Orgs:** N

**Block 3: Impact of Services Ordered in THIS Application**

**Number of students to be served:** 1697

**Number of library patrons to be served:**

| SERVICE DESCRIPTION   | BEFORE ORDER | AFTER ORDER |
|---|--------------|-------------|
| b. High-bandwidth voice/data/video service: How many buildings served before and after your order?          | 5            | 5           |
| c. High-bandwidth voice/data/video service: Highest speed to a building before and after your order?        | T1           | T1          |
| f. Direct connections to the Internet: How many before and after your order?                                | 1            | 1           |
| g. Direct connections to the Internet: Highest speed before and after your order?                           | T1           | T1          |
| h. Internet access(for schools): How many rooms have Internet access before and after your order?           | 160          | 160         |
| j. Internet Access: How many computers (or other devices) with Internet access before and after your order? | 567          | 560         |

**Block 4: Worksheets**

IC

Worksheet A No: 615760

Student Count: 1697

Weighted Product (Sum. Column 8): 1527.3

Shared Discount: 90%

1. School Name: DICKERSON PRIMARY SCHOOL

2. Entity Number: 33328 3. Rural/Urban: Rural

4. Student Count: 587 5. NSLP Students: 556 6. NSLP Students/Students: 94.718%

7. Discount: 90% 8. Weighted Product: 528.3

1. School Name: SALLY DAILEY MEADOWS ELEM SCH

2. Entity Number: 33329 3. Rural/Urban: Rural

4. Student Count: 569 5. NSLP Students: 550 6. NSLP Students/Students: 96.660%

7. Discount: 90% 8. Weighted Product: 512.1

1. School Name: TRIPPE MIDDLE SCHOOL

2. Entity Number: 33330 3. Rural/Urban: Rural

4. Student Count: 541 5. NSLP Students: 516 6. NSLP Students/Students: 95.378%

7. Discount: 90% 8. Weighted Product: 486.9

## Block 5: Discount Funding Request(s)

|  |   |
|--|---|
| FRN: 1212870 FCDL Date:  |   |
| 11. Category of Service: Internal Connections  | 12. 470 Application Number: 445420000496766                 |
| 13. SPIN: 143020237  | 14. Service Provider Name: Progressive Communications, Inc. |
| 15. Contract Number: NA  | 16. Billing Account Number: 9125373088                      |
| 17. Allowable Contract Date: 02/18/2004  | 18. Contract Award Date: 02/18/2004                         |
| 19a. Service Start Date: 07/01/2004  | 19b. Service End Date:                                      |
| 20. Contract Expiration Date: 06/30/2005   |   |
| 21. Attachment #: TS   | 22. Block 4 Worksheet No.: 615760                           |
| 23a. Monthly Charges: \$.00  | 23b. Ineligible monthly amt.: \$.00                         |
| 23c. Eligible monthly amt.: \$0.00   | 23d. Number of months of service: 12                        |
| 23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$0.00          |   |
| 23f. Annual non-recurring (one-time) charges: \$21,000.00                                    | 23g. Ineligible non-recurring amt.: \$.00                   |
| 23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$21,000.00 |   |
| 23i. Total program year pre-discount amount ( 23e + 23h): \$21,000.00                        |   |
| 23j. % discount (from Block 4): 90   |   |
| 23k. Funding Commitment Request ( 23i x 23j): \$18,900.00                                    |   |

## Block 6: Certifications and Signature

24a. Schools: Y

24b. Libraries or Library Consortia: N

26a. Individual Technology Plan: N  
26b. Higher-Level Technology Plan(s): Y  
26c. No Technology Plan Needed:

27a. Approved Technology Plan(s): Y  
27b. State Approved Technology Plan: N  
27c. No Technology Plan Needed:

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« Previous

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## Exhibit B

**Schools and Libraries Universal Service Program  
Services Ordered and Certification Form 471  
Application Display**

IC  
G. J. [Signature]

**Block 1: Billed Entity Information**

**Applicant's Form Identifier:** VBDE071C**471 Application Number:** 435053**Cert. Postmark Date:** 02/04/2004**Out of Window Letter Date:** Not applicable**Funding Year:** 07/01/2004 - 06/30/2005**Form Status:** CERTIFIED - In Window**Billed Entity Number:** 127345**RAL Date:** 03/30/2004**Name:** VIDALIA CITY SCHOOLS**Address:** 301 ADAMS STREET**City:** VIDALIA **State:** GA **Zip:** 30474**Contact Name:** SABRINA WIGGS**Address:** 301 ADAMS STREET**City:** VIDALIA **State:** GA **Zip:** 30474**Type of Application:** SCHOOL DISTRICT**Ineligible Orgs:** N

**Block 3: Impact of Services Ordered in THIS Application**

**Number of students to be served:** 1697**Number of library patrons to be served:**

| SERVICE DESCRIPTION   | BEFORE ORDER | AFTER ORDER |
|---|--------------|-------------|
| b. High-bandwidth voice/data/video service: How many buildings served before and after your order?          | 5            | 5           |
| c. High-bandwidth voice/data/video service: Highest speed to a building before and after your order?        | T1           | T1          |
| f. Direct connections to the Internet: How many before and after your order?                                | 1            | 1           |
| g. Direct connections to the Internet: Highest speed before and after your order?                           | T1           | T1          |
| h. Internet access(for schools): How many rooms have Internet access before and after your order?           | 160          | 160         |
| i. Internet Access: How many computers (or other devices) with Internet access before and after your order? | 567          | 560         |

**Block 4: Worksheets**

Worksheet A No: 615760

Student Count: 1697

Weighted Product (Sum. Column 8): 1357.6

Shared Discount: 80%

1. School Name: DICKERSON PRIMARY SCHOOL

2. Entity Number: 33328 3. Rural/Urban: Rural

4. Student Count: 587 5. NSLP Students: 314 6. NSLP Students/Students: 53.492%

7. Discount: 80% 8. Weighted Product: 469.6

1. School Name: SALLY DAILEY MEADOWS ELEM SCH

2. Entity Number: 33329 3. Rural/Urban: Rural

4. Student Count: 569 5. NSLP Students: 352 6. NSLP Students/Students: 61.862%

7. Discount: 80% 8. Weighted Product: 455.2

1. School Name: TRIPPE MIDDLE SCHOOL

2. Entity Number: 33330 3. Rural/Urban: Rural

4. Student Count: 541 5. NSLP Students: 331 6. NSLP Students/Students: 61.182%

7. Discount: 80% 8. Weighted Product: 432.8

## Block 5: Discount Funding Request(s)

|  |  |
|--|--|
| FRN: 1212870 FCDL Date: 05/24/2005   |  |
| 11. Category of Service: Internal Connections  | 12. 470 Application Number: 445420000496766  |
| 13. SPIN: 143020237  | 14. Service Provider Name: Progressive Communications Inc. - Automated Network Systems |
| 15. Contract Number: NA  | 16. Billing Account Number: 9125373088   |
| 17. Allowable Contract Date: 02/18/2004  | 18. Contract Award Date: 02/04/2004  |
| 19a. Service Start Date: 07/01/2004  | 19b. Service End Date:   |
| 20. Contract Expiration Date: 06/30/2005   |  |
| 21. Attachment #: TS   | 22. Block 4 Worksheet No.: 615760  |
| 23a. Monthly Charges: \$.00  | 23b. Ineligible monthly amt.: \$.00  |
| 23c. Eligible monthly amt.: \$0.00   | 23d. Number of months of service: 12   |
| 23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$0.00          |  |
| 23f. Annual non-recurring (one-time) charges: \$21,000.00                                    | 23g. Ineligible non-recurring amt.: \$.00  |
| 23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$21,000.00 |  |
| 23i. Total program year pre-discount amount ( 23e + 23h): \$21,000.00                        |  |
| 23j. % discount (from Block 4): 80   |  |
| 23k. Funding Commitment Request ( 23i x 23j): \$16,800.00                                    |  |

## Block 6: Certifications and Signature

24a. Schools: Y

24b. Libraries or Library Consortia: N

**26a. Individual Technology Plan: N**

**26b. Higher-Level Technology Plan(s): Y**

**26c. No Technology Plan Needed:**

**27a. Approved Technology Plan(s): Y**

**27b. State Approved Technology Plan: N**

**27c. No Technology Plan Needed:**

[« Previous](#)

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## Exhibit C



## IMPORTANT REMINDERS & DEADLINES

Date: May 24, 2005  
471 : 435053  
BEN : 127345

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

**FORM 486 DEADLINE** - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must be approved by the start of service for this funding year, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

**CHILDREN'S INTERNET PROTECTION ACT (CIPA)** - You must be in compliance with CIPA and cannot request a waiver, if FY2004 is your Third Funding Year for the purposes of CIPA.

**INVOICE DEADLINE** - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

**OBLIGATION TO PAY NON-DISCOUNT PORTION** - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

**RETAIN DOCUMENTATION** - Applicants must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

**SUSPENSION AND DEBARMENT** - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program.

**FREE SERVICES ADVISORY** - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information - including more information on these reminders - is posted to the Schools and Libraries Division (SLD) web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the SLD web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.



**Universal Service Administrative Company**  
Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**

(Funding Year 2004: 07/01/2004 - 06/30/2005)

May 24, 2005

SABRINA WIGGS  
VIDALIA CITY SCHOOLS  
301 ADAMS STREET  
VIDALIA, GA 30474

Re: Form 471 Application Number: 435053  
Funding Year 2004: 07/01/2004 - 06/30/2005  
Billed Entity Number: 127345  
Applicant's Form Identifier: VBDE071C

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$16,800.00 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

**NEXT STEPS**

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

**FUNDING COMMITMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

**TO APPEAL THIS DECISION:**

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the

# FUNDING COMMITMENT REPORT

Form 471 Application Number: 435053  
Funding Request Number: 1212870 Funding Status: Not Funded  
Services Ordered: Internal Connections  
SPIN: 143020237 Service Provider Name: Progressive Communications Inc.  
Contract Number: NA  
Billing Account Number: 9125373088  
Service Start Date: 07/01/2004  
Contract Expiration Date: 06/30/2005  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$21,000.00  
Pre-discount Amount: \$21,000.00  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded  
Funding Commitment Decision Explanation: The shared discount was corrected. Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see [www.sl.universalservice.org](http://www.sl.universalservice.org) for further details.

## Exhibit D

**[Vidalia City Schools Letterhead]**

September 14, 2004

Kevin Hefferan  
Schools and Libraries Division  
Phone: 973-581-6743  
Fax: 973-599-6579

Dear Mr. Hefferan:

I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 10b, of Block 4 (Worksheet A) of the Form 471.

The data you requested to verify our discounts is shown in the table below.

| <b>School Name</b>                     | <b>Students Enrollment</b> | <b>Surveys / Applications Sent out</b> | <b>Surveys / Applications Returned</b> | <b>Number of F&amp;R per Returned Surveys / Applications</b> |
|--|----------------------------|--|--|--|
| Dickerson Primary School               | 587                        | 587                                    | 331                                    | 314  |
| Sally Dailey Meadows Elementary School | 569                        | 569                                    | 364                                    | 352  |
| Trippe Middle School                   | 541                        | 541                                    | 347                                    | 331  |
| Vidalia Comprehensive High School*     | 694                        | 694                                    | 282                                    | 281  |

*\*On your letter dated 09/09/04 you stated that Vidalia Comprehensive High School was reported at 90%. This is not accurate. The school was reported at 70%, which is reflected in the table above.*

I have attached copies of surveys/applications of all of the schools above (with the identifying information removed). We keep all of our surveys/applications at the district office.

Sincerely,

Superintendent or Director of Student Nutrition

**[Vidalia City Schools Letterhead]**

September 14, 2004

Kevin Hefferan  
Schools and Libraries Division  
Phone: 973-581-6743  
Fax: 973-599-6579

*→ need  
to work  
on appeal*

Dear Mr. Hefferan:

I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 10b, of Block 4 (Worksheet A) of the Form 471.

The data you requested to verify our discounts is shown in the table below.

| School Name                            | Students Enrollment | Surveys / Applications Sent out | Surveys / Applications Returned | Number of F&R per Returned Surveys / Applications |
|--|---------------------|---------------------------------|---------------------------------|---|
| Dickerson Primary School               | 587                 | <del>294</del> 587              | 331                             | 314   |
| Sally Dailey Meadows Elementary School | 569                 | <del>285</del> 569              | 364                             | 352   |
| Trippe Middle School                   | 541                 | <del>271</del> 541              | 347                             | 331   |
| Vidalia Comprehensive High School*     | 694                 | <del>347</del> 694              | 282                             | 281   |

*94.86  
96.70  
95.38*

*\*On your letter dated 09/09/04 you stated that Vidalia Comprehensive High School was reported at 90%. This is not accurate. The school was reported at 70%, which is reflected in the table above.*

I have attached copies of surveys/applications of all of the schools above (with the identifying information removed). We keep all of our surveys/applications at the district office.

Sincerely,

Superintendent or Director of Student Nutrition

## Exhibit E

Graphics Off



The Universal School Administrative Company

Home

High Cost

Low Income

Rural Health Care

Schools &amp; Libraries

Overview

SL Main &gt; Reference Area &gt; Alternative Discount Mechanisms Fact Sheet

About the SLD

Training &amp; Outreach

2004 SP Training

WebEx Recordings

Training Presentations

Submit a Question

Applicants

Process Flowchart

Timetable/Deadlines

Service Providers

Conference Calls

Provider Manual

Invoicing

Disbursements

Eligible Products

Database Pilot

Tools

Commitments Search

Data Requests

Form 471 Application

Status

Billed Entity Search

SPIN Search

FRN Extensions

Forms

Applicants PIN Request  
System

Apply Online

Applicant Forms

Provider Forms

## Alternative Discount Mechanisms Fact Sheet

1. Primary measure for E-rate
2. Alternative mechanisms
3. Survey guidelines
4. Acceptable alternative measures of poverty
5. Existing sources
6. Matching siblings
7. Projections based on surveys
8. Unacceptable alternative mechanisms

### 1. Primary measure for E-rate

The primary measure for determining E-rate discounts is the percentage of students eligible for free and reduced lunches under the National School Lunch Program, calculated by individual school. Students from family units whose income is at or below 185% of the federal poverty guideline are eligible for the NSLP.

The FCC's rationale for using NSLP data is as follows:

"[T]he national school lunch program determines students' eligibility for free or reduced-price lunches based on family income, which is a more accurate measure of a school's level of need than a model that considers general community income."

— FCC 97-157 ¶ 509

A chart defining the Income Eligibility Guidelines (IEG) for NSLP eligibility for the current year (07/01/2000 – 06/30-2001) is available by [clicking here](#).

### 2. Alternative mechanisms

The FCC also sanctions other mechanisms to determine a school's level of need, as long as those mechanisms are based on — or do not exceed — the same measure of poverty used by NSLP:

"[A] school may use either an actual count of students eligible for the national school lunch program or federally-approved alternative mechanisms to determine the level of poverty for purposes of the universal service discount program...

"[S]chools that choose not to use an actual count of students eligible for the national school lunch program may use only the federally-approved alternative mechanisms contained in Title I of the Improving America's School Act, which equate one measure of



#### QUICK LINKS

##### Apply Online

- Reference Area
- Appeals
- Eligible Services List
- Changes & Corrections
- Suspensions & Debarments

#### SITE SEARCH

#### SITE SEARCH

Search Tips

#### CONTACT INFO

#### CONTACT INFO

##### Question

- Question
- Whistleblower Hotline - Report Waste, Fraud, & Abuse
- Whistleblower Hotline - Report Waste, Fraud, & Abuse

#### SITE HELP

#### SITE HELP

- Site Tour
- Site Map
- Site Policy
- Website Policy



poverty with another."

— FCC 97-157 ¶ 510

These federally-approved alternative mechanisms use data comparable to NSLP data which are:

- (1) [c]ollected through alternative means such as a survey; or
- (2) [f]rom existing sources such AFDC or tuition scholarship programs."

— 34 CFR Ch. II, § 200.28 (a)(2)(i)(B)(1)  
and (2)

### **3. Survey guidelines**

If a school chooses to do a survey, the following guidelines apply:

- a. The survey must be sent to all families whose children attend the school.
- b. The survey must attain a return rate of at least 50%.
- c. The survey must, at a minimum, contain the following information:
  - o Address of family
  - o Grade level of each child
  - o Size of the family
  - o Income level of the parents
- d. The survey must assure confidentiality. (The names of the families are not required.)

### **4. Acceptable alternative measures of poverty**

The following measures of poverty are currently acceptable alternatives to NSLP eligibility:

- a. Family income level at or below 185% of the federal poverty guideline cited above.
- b. Participation in one or more of the following programs:
  - o Medicaid
  - o Food stamps
  - o Supplementary Security Income (SSI)
  - o Federal public housing assistance or Section 8 (a federal housing assistance program administered by the Department of Housing and Urban Development)
  - o Low Income Home Energy Assistance Program

Participation in Temporary Assistance for Needy Families (TANF) is an acceptable alternative measure of poverty ONLY IF the family income of participants is at or below the IEG for NSLP. Similarly, participation in need-based tuition assistance programs is acceptable if the family income of participants is at or below the IEG for NSLP.

## **5. Existing sources**

Schools may also use existing sources of data which measure levels of poverty, such as TANF or need-based tuition assistance programs. However, these measures are acceptable for E-rate purposes only if the family income of participants is at or below the IEG for NSLP.

## **6. Matching siblings**

The siblings of a student in a school that has established that the student's family income is at or below the IEG for NSLP may also be counted as eligible for E-rate purposes by the respective schools the siblings attend. For example, an elementary school has established, through a survey, that a student's family income is at or below the IEG for NSLP. That student has a brother and a sister who attend the local high school. The high school may use the status of the elementary school sibling to count his high school siblings as eligible for E-rate purposes, without collecting its own data on that family.

## **7. Projections based on surveys**

If a school has sent a questionnaire to all of its families, and if it receives a return rate of at least 50 percent of those questionnaires, it may use that data to project the percentage of eligibility for E-rate purposes for all students in the school. For example, a school with 100 students sent a questionnaire to the 100 homes of those students, and 75 of those families returned the questionnaire. The school finds that the incomes of 25 of those 75 families are at or below the IEG for NSLP. Consequently, 33 percent of the students from those families are eligible for E-rate purposes. The school may then project from that sample to conclude that 33 percent of the total enrollment, or 33 of the 100 students in the school, are eligible for E-rate purposes.

## **8. Unacceptable alternative mechanisms**

The following alternative measures of poverty are NOT acceptable for determining E-rate discounts. They rely on projections rather than on the collection of actual data:

- a. Feeder school method. This method projects the number of low-income students in a middle or high school based on the average poverty rate of the elementary school(s) which "feeds" students to the middle or high school.
- b. Proportional method. This method projects the number of low-income students in a school using an estimate of local poverty.
- c. Extrapolation from non-random samples. This method uses a non-random sample of students chosen to derive the percentage of poverty in a school, such as those families personally know by the principal ("Principal's method") or the families of students who apply for financial aid (a non-random sample).

- d. Title 1 eligibility. This method uses eligibility for Title 1 funds as the criterion for estimating the level of poverty in a particular school. Some measures of poverty eligible under Title 1 are indirect estimates of poverty, and do not necessarily equate to the measure of poverty for E-rate, namely eligibility for NSLP.

Content Last Modified: May 2, 2003

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## Exhibit F

# Schools and Libraries Universal Service Program

## Services Ordered and Certification Form 471

### Application Display

*IC*  
*Asst. Director*

#### Block 1: Billed Entity Information

**Applicant's Form Identifier:** VBDE071C

**471 Application Number:** 435053

**Cert. Postmark Date:** 02/04/2004

**Out of Window Letter Date:** Not applicable

**Funding Year:** 07/01/2004 - 06/30/2005

**Form Status:** CERTIFIED - In Window

**Billed Entity Number:** 127345

**RAL Date:** 03/30/2004

**Name:** VIDALIA CITY SCHOOLS  
**Address:** 301 ADAMS STREET  
**City:** VIDALIA **State:** GA **Zip:** 30474

**Contact Name:** SABRINA WIGGS  
**Address:** 301 ADAMS STREET  
**City:** VIDALIA **State:** GA **Zip:** 30474

**Type of Application:** SCHOOL DISTRICT

**Ineligible Orgs:** N

#### Block 3: Impact of Services Ordered in THIS Application

**Number of students to be served:** 1697

**Number of library patrons to be served:**

| SERVICE DESCRIPTION   | BEFORE ORDER | AFTER ORDER |
|---|--------------|-------------|
| b. High-bandwidth voice/data/video service: How many buildings served before and after your order?          | 5            | 5           |
| c. High-bandwidth voice/data/video service: Highest speed to a building before and after your order?        | T1           | T1          |
| f. Direct connections to the Internet: How many before and after your order?                                | 1            | 1           |
| g. Direct connections to the Internet: Highest speed before and after your order?                           | T1           | T1          |
| h. Internet access(for schools): How many rooms have Internet access before and after your order?           | 160          | 160         |
| j. Internet Access: How many computers (or other devices) with Internet access before and after your order? | 567          | 560         |

#### Block 4: Worksheets

Worksheet A No: 615760

Student Count: 1697

Weighted Product (Sum. Column 8): 1357.6

Shared Discount: 80%

1. School Name: DICKERSON PRIMARY SCHOOL

2. Entity Number: 33328 3. Rural/Urban: Rural

4. Student Count: 587 5. NSLP Students: 314 6. NSLP Students/Students: 53.492%

7. Discount: 80% 8. Weighted Product: 469.6

1. School Name: SALLY DAILEY MEADOWS ELEM SCH

2. Entity Number: 33329 3. Rural/Urban: Rural

4. Student Count: 569 5. NSLP Students: 352 6. NSLP Students/Students: 61.862%

7. Discount: 80% 8. Weighted Product: 455.2

1. School Name: TRIPPE MIDDLE SCHOOL

2. Entity Number: 33330 3. Rural/Urban: Rural

4. Student Count: 541 5. NSLP Students: 331 6. NSLP Students/Students: 61.182%

7. Discount: 80% 8. Weighted Product: 432.8

## Block 5: Discount Funding Request(s)

|  |  |
|--|--|
| FRN: 1212870 FCDL Date: 05/24/2005   |  |
| 11. Category of Service: Internal Connections  | 12. 470 Application Number: 445420000496766  |
| 13. SPIN: 143020237  | 14. Service Provider Name: Progressive Communications Inc. - Automated Network Systems |
| 15. Contract Number: NA  | 16. Billing Account Number: 9125373088   |
| 17. Allowable Contract Date: 02/18/2004  | 18. Contract Award Date: 02/04/2004  |
| 19a. Service Start Date: 07/01/2004  | 19b. Service End Date:   |
| 20. Contract Expiration Date: 06/30/2005   |  |
| 21. Attachment #: TS   | 22. Block 4 Worksheet No.: 615760  |
| 23a. Monthly Charges: \$.00  | 23b. Ineligible monthly amt.: \$.00  |
| 23c. Eligible monthly amt.: \$0.00   | 23d. Number of months of service: 12   |
| 23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$0.00          |  |
| 23f. Annual non-recurring (one-time) charges: \$21,000.00                                    | 23g. Ineligible non-recurring amt.: \$.00  |
| 23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$21,000.00 |  |
| 23i. Total program year pre-discount amount ( 23e + 23h): \$21,000.00                        |  |
| 23j. % discount (from Block 4): 80   |  |
| 23k. Funding Commitment Request ( 23i x 23j): \$16,800.00                                    |  |

## Block 6: Certifications and Signature

24a. Schools: Y

24b. Libraries or Library Consortia: N

**26a. Individual Technology Plan:** N  
**26b. Higher-Level Technology Plan(s):** Y  
**26c. No Technology Plan Needed:**

**27a. Approved Technology Plan(s):** Y  
**27b. State Approved Technology Plan:** N  
**27c. No Technology Plan Needed:**



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Exhibit G



# FUNDING COMMITMENT REPORT

Form 471 Application Number: 435053  
Funding Request Number: 1212870 Funding Status: Not Funded  
Services Ordered: Internal Connections  
SPIN: 143020237 Service Provider Name: Progressive Communications Inc.  
Contract Number: NA  
Billing Account Number: 9125373088  
Service Start Date: 07/01/2004  
Contract Expiration Date: 06/30/2005  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$21,000.00  
Pre-discount Amount: \$21,000.00  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded  
Funding Commitment Decision Explanation: The shared discount was corrected. Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see [www.sl.universalservice.org](http://www.sl.universalservice.org) for further details.